BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the Educator License of CRICKESETHIA J. VARNER	DEFAULT ORDER OF SUSPENSION AND PROBATION

On May 21, 2020, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Crickesethia Varner (Varner) in which the Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7019 0700 0002 0914 4444 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned to the Commission. The regular, first class mail was not returned to the Commission, and assumed to have been delivered. The Notice of Opportunity of Hearing, dated May 21, 2020, and signed by Michael Rosilez, Executive Director, stated:

> "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR A HEARING, FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."

Varner did not request a hearing. The Commission, therefore, finds Varner to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. Crickesethia Varner has been licensed by the Commission since January 25, 2016. Varner holds a Charter School Teacher Registration, valid from January 22, 2019, through January 25, 2022. During all relevant times, Varner was employed by the KairosPDX Learning Academy (KairosPDX).
2. On April 23, 2019, the Commission received information from KairosPDX indicating Varner may have committed acts which constitute gross neglect of duty or gross

unfitness or both. KairosPDX reported that on April 11, 2019, Varner was under the influence of intoxicants at her assigned place of duty.

Investigation established a pattern of behavior dating back to 2017. According to KairosPDX records, on November 27, 2017, multiple staff members reported observing Varner's atypical physical and emotional behavior which caused staff to believe Varner was under the influence of a substance. In a meeting with a school administrator, Varner admitted being impaired from a lack of sleep and drinking wine until approximately 3:30 am that morning. On December 10, 2018, a staff member reported Varner smelled of alcohol and appeared to be under the influence of alcohol at school. Varner was instructed to submit to a breathalyzer test and at approximately 4:00 pm, Varner provided two samples at a clinic, both of which registered 0.00% blood alcohol content (BAC).

Investigation determined that on April 11, 2019, Varner tripped and suffered a head injury at school while participating in a game with students during her physical education class. The school administrator who met with Varner smelled alcohol on her person and directed her to an urgent care facility to seek medical attention for the head injury and to submit to a breathalyzer test. After Varner's visit to the clinic, the school received a report from the clinic that Varner failed to provide two testable breath samples. Varner was directed to return to the clinic and submit to a breathalyzer test, which she did. The results of the tests were 0.154% and 0.153% BAC. On April 12, 2019, KairosPDX terminated Varner from their employment.

CONCLUSIONS OF LAW

Varner's conduct described in section two (2) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations),* and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-sponsored activity while under the influence of alcohol, marijuana, or any controlled substance*).